

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CANTERBURY AFFORDABLE HOUSING, LLC

PLAINTIFF

VS.

CIVIL ACTION NO. 4:18-cv-179-DMB-JMV

**UBS GROUP AG,
UBS AG,
UBS SECURITIES LLC,
JOHN DOE CORPORATIONS 1-10,
and JOHN DOES 1-5**

DEFENDANTS

ORDER ON MOTION TO STAY CASE

This matter is before the Court on defendant's renewed motion to stay this case pending resolution of its pending motion to transfer or dismiss based on an alleged forum selection clause. For the reasons discussed below, the motion will be GRANTED.

As the parties have noted, the applicable rules governing stays leave to this court's discretion whether to impose a stay, except in certain enumerated cases wherein they are mandated. Motions for enforcement of forum selection clauses are not among those enumerated cases. Defendants' initial motion to stay provided no authority or persuasive argument to do so. Particularly, Defendants failed to provide authority to support the stay of a case wherein, as here, the enforcement of forum selection clause is being challenged.

In its renewed motion, Defendants do cite authority supporting the court's discretionary authority to decide whether to impose a stay even though not required to do so under the applicable rules. Further, Defendants argue that though the forum selection clause is challenged, the challenge is not supported by applicable law. This latter issue will be determined by the district judge, but the undersigned will, pending such determination, exercise her discretion to stay this action based on the law of this circuit to the effect that, "[a] motion to enforce a forum selection clause is

analytically indistinguishable from a motion to stay an action at law pending arbitration.”
Haynesworth v. The Corp., 121 F.3d 956 (5th Cir. 1997).

Because our applicable rules concerning stay of discovery, and Local Uniform Civil Rule 16(b) in particular, mandate staying discovery pending a motion to enforce an arbitration agreement, the undersigned finds such a stay also appropriate here, given the guidance of *Haynesworth*.

Accordingly, it is ordered that this action is stayed pending resolution of the defendants’ [4] motion to transfer or dismiss.

IT IS, THEREFORE, ORDERED that the aforementioned proceedings are hereby **STAYED** pending a ruling on the motion to transfer. Defendants shall notify the undersigned magistrate judge within seven (7) days of a decision on the motion and shall submit a proposed order lifting the stay.

SO ORDERED this, November 6, 2018.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE